
IN THE SENATE OF THE UNITED STATES.

FEBRUARY 14, 1871.

Read twice and referred to the Committee on Public Lands.

AN ACT

For the sale of timber lands in the States of California and Oregon, and Washington Territory.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That public lands of the United States within the States of Cal-
4 ifornia, Oregon, and Washington Territory, not included within
5 military, Indian, or other reservations of the United States,
6 valuable for timber but unfit for cultivation, whether em-
7 braced within the public surveys or unsurveyed, may be sold
8 to citizens of the United States, or persons who have de-
9 clared their intention to become such, in quantities not ex-
10 ceeding six hundred and forty acres to any one person, or as-
11 sociation of persons, at the minimum price of two dollars and
12 fifty cents per acre; and lands valuable chiefly for stone may
13 be sold on the same terms as timber lands: *Provided*, That
14 nothing herein contained shall defeat or impair any bona fide
15 claim under any law of the United States, or authorize the

16 sale of any mining claim, or the improvements of any bona
17 fide settler ; or lands containing gold, silver, cinnabar, copper,
18 or coal, in quantities sufficient to render mining remunerative ;
19 or lands selected by the said States under any law of the United
20 States donating lands for internal improvements, education, or
21 other purposes: *And provided further*, That none of the rights
22 conferred by the act approved July twenty-six, eighteen hundred
23 and sixty-six, entitled "An act granting the right of way to ditch
24 and canal owners over the public lands, and for other purposes,"
25 shall be abrogated by this act, and the same are hereby ex-
26 tended to all public lands affected by this act; and all patents
27 granted shall be subject to any vested and accrued water-
28 rights, or rights to ditches and reservoirs used in connection
29 with such water-rights as may have been acquired under or
30 recognized by said act, and such rights shall be expressly re-
31 served in any patent issued under this act.

1 SEC. 2. *And be it further enacted*, That any person de-
2 siring to avail himself of the provisions of this act shall file
3 with the register of the proper district a written statement in
4 duplicate, one of which is to be transmitted to the General
5 Land Office, designating the particular tract of land he desires
6 to purchase, the exterior limits of which, in the case of sur-
7 veyed land, shall conform to the legal subdivisions authorized
8 by law, no further survey or plat in such case being required,
9 setting forth that the same is unfit for cultivation, and valua-

10 ble chiefly for its timber or stone; that it is uninhabited; con-
11 tains no mining or other improvements, except for ditch or
12 canal purposes, nor, as deponent verily believes, any valuable
13 deposit of gold, silver, cinnabar, copper, or coal; that depo-
14 nent applies to purchase the same, and that he has made no
15 other application under this act; which statement must be
16 verified by the oath of the applicant, which may be made
17 before any officer authorized to administer oaths within
18 the land district where the land is situated. If the
19 tract constitutes a part of the unsurveyed domain, it
20 must be of such compact form as not to injure
21 the sale of the adjacent lands, and must be described in said
22 statement in relation to prominent natural objects, with such
23 accuracy that it may be readily identified.

1 SEC. 3. *And be it further enacted*, That upon the filing
2 of said statement, as provided in the second section of this
3 act, the register of the land office shall post a notice of such
4 application, embracing a succinct description of the land, in
5 his office, for a period of sixty days, and shall furnish the
6 applicant a copy of the same, for publication in a newspaper
7 published nearest the location of the premises, for a like
8 period of time; and after the expiration of said sixty days,
9 if no adverse claim shall have been filed, the person desiring
10 to purchase, if the tract is upon unsurveyed lands, may apply
11 to the register for a certificate, to be presented to the surveyor

12 general, stating the pendency of the application, and that the
13 same is allowed by the register and receiver, and on furnish-
14 ing to these officers satisfactory evidence, first, that said
15 notice of the application, prepared by the register as afore-
16 said, was duly published in a newspaper as herein required;
17 second, that the land is of the character contemplated in this
18 act, unoccupied and without improvements, other than those
19 excepted, either mining or agriculture, and that it apparently
20 contains no valuable deposits of gold, silver, cinnabar, cop-
21 per, or coal; third, that the applicant has deposited in a
22 proper United States depository, to the credit of the United
23 States, a sum of money sufficient to pay for a survey of the
24 premises, and a plat thereof, and all necessary expenses, with-
25 out cost or claim for indemnity on the United States, it shall
26 be the duty of the register, if the land is otherwise sub-
27 ject to the provisions of this act, to give the applicants such
28 certificate, upon filing which with the surveyor general,
29 together with one of the triplicate certificates of deposit, it
30 shall be the duty of that officer, under such instructions as
31 may be given him by the Commissioner of the General Land
32 Office, and in accordance with existing laws, to survey such
33 tract and make a plat thereof, upon which, or without such
34 survey and plat, if the tract is on surveyed lands, and upon
35 payment to the proper officer of the purchase-money of said
36 land, together with the fees of the register and receiver, the

37 applicant may be permitted to enter said tract, and on the
38 transmission to the General Land Office of the plat, survey,
39 and testimony, a patent shall issue thereon; and where said
40 tract shall be upon the unsurveyed public lands of the United
41 States, the subsequent surveys of the public lands adjacent
42 thereto shall close upon the exterior boundaries of such loca-
43 tions: *Provided*, That any person having a valid claim to any
44 portion of the land may object, in writing, to the issuance of
45 a patent to lands so held by him, stating the nature of his
46 claim thereto; and evidence shall be taken, and the merits of
47 said objection shall be determined by the officers of the land
48 office, subject to appeal, as in other land cases.

1 SEC. 4. *And be it further enacted*, That after the passage
2 of this act it shall be unlawful to cut, or cause or procure
3 to be cut, or wantonly destroy, any timber growing on any
4 lands of the United States, or remove, or cause to be removed,
5 any timber from said public lands, with intent to export or
6 dispose of the same, and no owner, master, or consignee of
7 any vessel or owner, director or agent of any railroad shall
8 knowingly transport the same or any lumber manufactured
9 therefrom, and any person violating the provisions of this
10 section shall be guilty of a misdemeanor, and on conviction
11 shall be fined for every such offense a sum not less than one
12 hundred nor more than one thousand dollars: *Provided*, That
13 nothing herein contained shall prevent any miner or agricul-

14 turist from clearing his land in the ordinary working of his
15 mining claim, or preparing his farm for tillage, or from taking
16 the timber necessary to support his improvements, or the
17 taking of timber for the use of the United States; and the
18 penalties herein provided shall not take effect until one year
19 after the passage of this act.

Passed the House of Representatives February 11, 1871.

Attest: EDWARD McPHERSON, *Clerk.*